

AKIN GUMP STRAUSS HAUER & FELD LLP

Stephen M. Baldini (SB-2070)

Austin K. So (AS-8348)

590 Madison Avenue

New York, New York 10022

(212) 872-1000

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SUSAN YOSS,

Plaintiff,

- against -

IGPS COMPANY, LLC; PEGASUS CAPITAL
ADVISORS, LP; PEGASUS CAPITAL
ADVISORS G.P., LLC; PEGASUS CAPITAL
ADVISORS III, LP; PEGASUS INVESTORS
III, LP; PEGASUS INVESTORS III G.P., LLC,

Defendants.

No. 08 CV 02212 (MGC) (MHD)
FILED BY ECF

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure, upon the Memorandum of Law in Support of Motion to Dismiss by defendants Pegasus Capital Advisors, LP, Pegasus Capital Advisors, G.P., LLC, Pegasus Capital Advisors III, LP, Pegasus Investors III, LP, and Pegasus Investors III G.P., LLC (collectively, "Pegasus") and the plaintiff's Complaint, Pegasus, by and through their undersigned counsel, will move this Court before the Honorable Miriam G. Cedarbaum, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at 9:30 a.m. on April 24,

2008, or at such other date and time as the Court shall determine, to dismiss the complaint in this case against Pegasus for failure to state a claim on which relief may be granted.

Date: March 28, 2008
New York, New York

AKIN GUMP STRAUSS HAUER & FELD LLP

/s/ Stephen M. Baldini
Stephen M. Baldini (SB-2070)
Austin K. So (AS-8348)
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*Counsel for Defendants Pegasus Capital Advisors,
LP, Pegasus Capital Advisors, G.P., LLC, Pegasus
Capital Advisors III, LP, Pegasus Investors III, LP,
and Pegasus Investors III G.P., LLC*

CERTIFICATE OF SERVICE

I, Austin K. So, hereby certify that I caused to be served via electronic notification in accordance with the electronic filing system and via first class mail the annexed Notice of Motion by defendants Pegasus Capital Advisors, LP, Pegasus Capital Advisors, G.P., LLC, Pegasus Capital Advisors III, LP, Pegasus Investors III, LP, and Pegasus Investors III G.P., LLC, and the annexed Memorandum in Support of Motion to Dismiss, on this 28 day of March 2008 upon the following:

Laurence S. Moy, Esq.
Outten & Golden LLP
3 Park Avenue, 29th Floor
New York, New York 10016

Counsel for Plaintiff

Dated: March 28, 2008
New York, New York

/s/ Austin K. So
Austin K. So